

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
EVE BERKSON (TUMALO IRRIGATION)
DISTRICT) FOR APPROVAL OF A)
CHANGE IN PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER 4935

On November 20, 1981, an application was filed in the office of the Water Resources Director by Eve Berkson for approval of a change in place of use of water from Tumalo Creek, Deschutes River, Crater Creek, Little Crater Creek and three spring branches, and Crescent Lake Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Crook County, Oregon, entered May 1, 1911, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Tumalo Creek, a tributary of Deschutes River, a water right was allowed in the name of J. N. B. Gerking, tabulated at page 137, Volume 1, for irrigation of, among other lands, a certain 7.0 acres in SE 1/4 NE 1/4, 0.4 acre in NE 1/4 SE 1/4 and 2.3 acres in NW 1/4 SE 1/4, Section 13, Township 16 South, Range 11 East, WM, with a date of priority of September, 1900, as now described by certificate issued in the name of Tumalo Irrigation District and recorded at page 31410, Volume 23, State Record of Water Right Certificates.

By Decree of the Circuit Court for Deschutes County, Oregon, entered August 27, 1958, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Tumalo Creek, a tributary of Deschutes River, a water right was allowed in the name of Deschutes County Municipal Improvement District (now Tumalo Irrigation District), tabulated in the name of C. A. Foute at page 325, Volume 15, for irrigation of, among other lands, a certain 1.4 acres in NE 1/4 SE 1/4 and 0.9 acre in NW 1/4 SE 1/4, Section 13, Township 16 South, Range 11 East, WM, with a date of priority of September, 1900, as now described by certificate issued in the name of Tumalo Irrigation District and recorded at page 26508, Volume 18, State Record of Water Right Certificates.

These lands also have supplemental rights evidenced by certificate recorded at page 31412, Volume 23, State Record of Water Right Certificates, to the use of water from Deschutes River, with a date of priority of 1905; Certificate 26050, Volume 18, to the use of water from Tumalo Creek, Crater Creek, Little Crater Creek and three spring branches, with a date of priority of October 29, 1913; Certificate 26051, Volume 18, to the use of waters of Crescent Lake Reservoir, with a date of priority of April 7, 1911; and Permit 27841 for the use of waters of Crescent Lake Reservoir, with a priority date of December 8, 1961.

The applicant herein, owner of the lands above described, proposes to transfer the water rights therefrom, without loss of priority, to a certain 7.0 acres in SW 1/4 SW 1/4, Section 6, Township 16 South, Range 12 East, WM (Haynes, C-31410); 2.7 acres in NW 1/4 NE 1/4 (C-31410), 0.3 acre in NW 1/4 NE 1/4 (C-26508) and 2.0 acres in NE 1/4 NW 1/4 (C-26508), Section 7, Township 16 South, Range 12 East, WM (Campbell).

The lands involved herein are within the boundaries of the Tumalo Irrigation District and the Board of Directors of said District approved the proposed change in place of use of water at a regular meeting.

Robert F. Main, Jr., Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

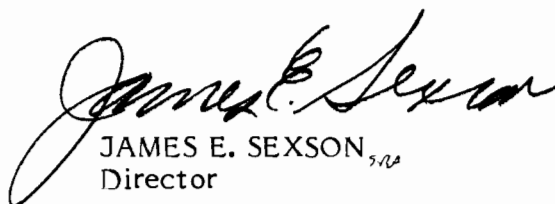
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1983.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of complete application of water to beneficial use on the lands to which the water is transferred hereby, a certificate of water right shall be issued to Tumalo Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon this 18th day of January, 1982.


JAMES E. SEXSON, ^{7/12A}
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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